



## ILLINOIS COMMERCE COMMISSION

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August 18, 2005

County of Kankakee and Limestone Township,  
Petitioners,

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T05-0048

Request for payment from the Grade Crossing Protection Fund for voluntary  
closure of the 0700 S Road (000092T) highway-rail grade crossing located in  
Kankakee County, Illinois.

Mr. Michael Bossert  
Limestone Township Supervisor  
5030 W Rte. 17, P.O. Box 824  
Kankakee, IL 60901-0824

Dear Mr. Bossert:

Receipt is acknowledged of your correspondence regarding payment from the Grade Crossing  
Protection Fund for Voluntary Closure of 0700 S Road filed August 11, 2005.

**All future correspondence/pleadings should be filed with an original and two (2) copies  
and addressed to: Mr. Dave Lazarides, Acting Director of Processing, Illinois Commerce  
Commission, 527 East Capitol Avenue, Springfield, IL 62701 or you may file the original  
electronically through E-docket if you have an account. To apply for an account, please log on to  
[www.icc.state.il.us](http://www.icc.state.il.us) and apply for an E-docket account.**

Processing and Information Section

KI

Cc: Mr. Victor A. Modeer, IDOT  
Ms. Ellen Schanzle-Haskins, IDOT  
Mr. James W. Piekarczyk, Kankakee County  
Mr. George Grosso, Limestone Township

# Limestone Township

5030 W Rte 17  
PO Box 824  
Kankakee, Illinois 60901-0824  
Ph. 815-928-7857

RECEIVED  
AUG 11 2005

Illinois Commerce Commission  
RAIL SAFETY SECTION

ORIGINAL

July 21, 2005

Mr. Michael E. Stead  
Rail Safety Program Administrator  
Illinois Commerce Commission  
527 E Capitol Avenue  
Springfield, IL 62701

T05-0048

Dear Mr. Stead:

Limestone Township, (Kankakee County), wishes to notify the Illinois Commerce Commission that the 0700S Road highway-rail grade crossing of the Vulcan Materials Co. track was closed on December 6, 2004. Limestone Township requests that the Commission approve a payment of \$15,000 from the Grade Crossing Protection Fund for this action.

Enclosed is a certified copy of Final Order of Decision of Limestone Township Highway Commissioner authorizing vacation of 0700S Road in the vicinity of the 0700S Road highway-rail grade crossing of the Vulcan Materials Co. track. The roadway was vacated on December 6, 2004. Vulcan Materials Co. subsequently removed the crossing surface and warning devices, and permanent barricades were installed on December 7, 2004.

The roadway was vacated following execution of an agreement with Vulcan Materials Co. that called for the voluntary closure and vacation of the 0700S Road. A copy of the agreement between Limestone Township and Vulcan Materials Co. is also enclosed.

Thank you in advance for your attention to this matter and if you have any questions or desire further information, please do not hesitate to contact us.

Yours truly,



Michael Bossert  
Supervisor

DOCKETED

11  
State of Illinois  
Kankakee, County  
Rec'd for Record

12-06-04 13:33:31

200427332

Dennis B. Coy  
Kankakee County Recorder of Deeds

200427332

PROCEEDINGS FOR THE VACATION OF

0700 S ROAD

168  
LIMESTONE TOWNSHIP

KANKAKEE COUNTY, ILLINOIS

## FINAL ORDER OF DECISION OF LIMESTONE TOWNSHIP HIGHWAY COMMISSIONER

This matter having come on for PUBLIC HEARING on the certificate to vacate the following portion of a certain road known as 0700S Road, that portion to be vacated being more particularly described as follows:

0700S Road (TR 119A) from County Highway 28 (FAS 0316), Log Mile 0.00, to  
6000W Road (TR 0080A), Log Mile 1.00 located within Section 6, Township 30  
North, Range 14 West from the 3<sup>rd</sup> Principal Meridian in Kankakee County, Illinois

on the 6<sup>th</sup> day of December, 2004;

Said certificate having been properly filed by Glenn Kramer, Commissioner of Highways for Limestone Township, and having been filed with the District Clerk, and the County Clerk by such Commissioner;

Proper notice having been delivered to the Road District Clerk of Limestone Township, County of Kankakee, State of Illinois, the County Clerk, County of Kankakee, State of Illinois, and having been published in The Daily Journal newspaper, a paper having general circulation within the Township on the 22<sup>nd</sup> day of November, 2004; the hearing having been properly adjourned on the 1<sup>st</sup> day of December, with notice of the date/time at which the hearing would reconvene having been properly posted, and delivered to the County Superintendent of Highways;

The Commissioner having received a release of damages from all landowners adjacent to that portion of the road in question;

The Commissioner having opened the floor to persons wishing to speak in favor of or opposition to the certificate, and having heard no objections to the proposed vacation of the road;

The Commissioner having reviewed all of the evidence, makes the following specific findings:

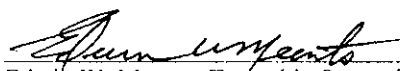
1. The vacation of that portion of 0700S Road more particularly described hereinabove in the public and economic interest of Limestone Township and its residents.
2. All persons residing or owning property within two miles of any portion of the road sought to be vacated shall still have reasonable access (but not necessarily a direct route) by way of a motor vehicle or other portable farm machinery commonly used in the area to farm land he owns or operates and to community and trade centers after the road is vacated.
3. The landowners adjacent to the portion of the road sought to be vacated have each executed a release of any damages they may have presently sustained, or may in the future sustain, by virtue of such proposed vacation.

Based upon the foregoing, the Commissioner hereby orders that the request to vacate the roadway described hereinabove be and the same is granted.

Dated this 6<sup>th</sup> day of December, 2004.

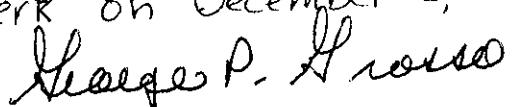
  
Glenn Kramer, Limestone Township Highway Commissioner

Attest:

  
Edwin W. Meents, Township Supervisor

2/8

**Town Clerk**  
**Limestone Township**  
**Kankakee, IL 60901**

Originals filed with the District  
Clerk on December 6, 2004  


## MEMORANDUM OF DECISION OF LIMESTONE TOWNSHIP HIGHWAY COMMISSIONER

This matter having come on for PUBLIC HEARING on the certificate to vacate the following portion of a certain road known as 0700S Road, that portion to be vacated being more particularly described as follows:

0700S Road (TR 119A) from County Highway 28 (FAS 0316), Log Mile 0.00, to 6000W Road (TR 0080A), Log Mile 1.00 located within Section 6, Township 30 North, Range 14 West from the 3<sup>rd</sup> Principal Meridian in Kankakee County, Illinois

Said certificate having been properly filed by Glenn Kramer, Commissioner of Highways for Limestone Township, and having been filed with the District Clerk, and the County Clerk by such Commissioner;

Proper notice having been delivered to the Road District Clerk of Limestone Township, County of Kankakee, State of Illinois, the County Clerk, County of Kankakee, State of Illinois, and having been published in The Daily Journal newspaper, a paper having general circulation within the Township on the 22<sup>nd</sup> day of November, 2004;

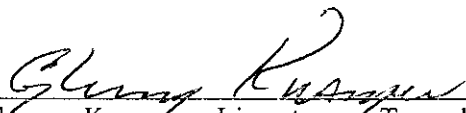
The Commissioner having reviewed all of the evidence, makes the following specific findings:

1. The vacation of that portion of 0700S Road more particularly described hereinabove in the public and economic interest of Limestone Township and its residents.
2. All persons residing or owning property within two miles of any portion of the road sought to be vacated shall still have reasonable access (but not necessarily a direct route) by way of a motor vehicle or other portable farm machinery commonly used in the area to farm land he owns or operates and to community and trade centers after the road is vacated.

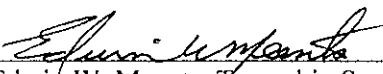
Based upon the foregoing, the Commissioner publicly declares that he intends to grant the request to vacate the roadway described hereinabove.

The Commissioner further states publicly that a final hearing shall be held following the fixing and determination of damages with notice of such hearing to be provided in accordance with 605 ILCS 5/6-311.

Dated this 1<sup>st</sup> day of December, 2004.

  
Glenn Kramer, Limestone Township Highway  
Commissioner

Attest:

  
Edwin W. Meents, Township Supervisor

3 of 8

## ROAD VACATION AGREEMENT

THIS AGREEMENT, made and entered into by and between LIMESTONE TOWNSHIP ROAD DISTRICT, a body corporate and politic, referred to as "the Township," and VULCAN CONSTRUCTION MATERIALS, L.P., a New Jersey limited partnership duly authorized to transact business in the State of Illinois, referred to as "Vulcan,"

1. RECITALS: The Township and Vulcan stipulate and declare as follows:

(a) Vulcan is the operator and its affiliate, Vulcan Lands, Inc., (collectively "Vulcan") is the owner of a dolomitic limestone quarry situated in part on the following described real estate located in Limestone Township, Kankakee County, Illinois:

Section Seven (7), Township Thirty (30)  
North, Range Fourteen (14) West of the  
Second Principal Meridian, Kankakee County,  
Illinois.

and which is referred to as the "Existing Quarry."

(b) Vulcan is proposing to purchase and expand its quarry operations to an additional approximately 172 acre parcel of real estate legally described as follows:

The South Half (S½) of the Northeast Quarter (NE¼) and the North Half (N½) of the Southeast Quarter (SE¼), except that part of the South Half (S½) of the Northeast Quarter (NE¼) which lies North of the right-of-way of Indiana, Illinois and Iowa Railroad, now known as New York Central Railroad; and also, that part of the Southeast Quarter (SE¼) of the Northwest Quarter (NW¼) lying South of said New York Central Railroad right-of-way and the Northeast Quarter (NE¼)

of the Southwest Quarter (SW¼) of Section Six (6), all in Township Thirty (30) North, Range Fourteen (14) West of the Second Principal Meridian, EXCEPTING THEREFROM the right-of-way of the Indiana, Illinois, and Iowa Railroad Company now known as New York Central Railroad, situated in the County of Kankakee, State of Illinois.

and which is referred to as the "Cooper Farm."

(c) The Existing Quarry and the Cooper Farm are contiguous to each other, but are separated by an approximately 15 foot wide gravel Township road known as 700 S Road.

(d) 700 S Road runs in an east-west direction and is situated between 6000 W Road and 7000 W Road all as shown on the proposed Plat of Vacation attached to this agreement as Exhibit A.

(e) The portion of 700 S Road lying between 6000 W Road and 7000 W Road is used only infrequently and such usage is principally by Vulcan.

(f) The Township Highway Commissioner has or plans to file a certificate with the Township Road District Clerk and with the Kankakee County Clerk to vacate 700 S Road as it lies between 6000 W Road and 7000 W Road in Limestone Township, Kankakee County, Illinois.

(g) Section 6-310 of the Illinois Highway Code (605 ILCS 5/6-310) authorizes interested persons such as Vulcan to offer inducements to the Township for vacating a Township road such as 700 S Road which inducements may be conditioned upon such vacation and shall be for the benefit of the road funds of the Township.

(h) Vulcan desires to offer the inducements set forth in this agreement to the Township, and the Township desires to accept these inducements in consideration for the vacation of 700 S Road as it

lies between 6000 W Road and 7000 W Road, Limestone Township, Kankakee County, Illinois.

2. VACATION CERTIFICATE: The Township Highway Commissioner shall file a certificate with the Township Road District Clerk and with the Kankakee County Clerk seeking to vacate 700 S Road as it lies between 6000 W Road and 7000 W Road, Limestone Township, Kankakee County, Illinois, as shown on the proposed Plat of Vacation attached to this agreement as Exhibit A. Promptly after the filing of this certificate, the Township Highway Commissioner shall arrange for a public hearing or hearings to be held on such vacation in accordance with the Illinois Highway Code. As part of the road vacation process, Vulcan shall release and shall cause the owners of the Cooper Farm to release any damages which may be sustained by them by reason of such vacation all in writing as provided in Section 6-309 of the Illinois Highway Code (605 ILCS 5/6-309).

3. LAND INDUCEMENT: Upon the final vacation of 700 S Road as shown on the proposed Plat of Vacation attached to this agreement as Exhibit A and the expiration of all applicable appeal periods, Vulcan shall convey or cause to be conveyed to the Township title to the following described real estate situated in Kankakee County, Illinois:

That part of the East Half (E½) of the Southeast Quarter (SE¼) of Section Seven (7), Township Thirty (30) North, Range Fourteen (14) West of the Second Principal Meridian, more particularly described as follows: Beginning at the Southeast corner of said Quarter Section point being called for in Monument Record 200423073 in the Kankakee County Recorder's Office; thence South 89°16'56" West along the South line of said Quarter Section a distance of 1116.65 feet; thence North 00°00'00" East a distance of 1390.96 feet; thence North 90°00'00" East a distance of 1124.30 feet to the East line of said Southeast Quarter (SE¼); thence South 00°19'20" West along said East line a distance of 1376.99 feet to the point of beginning; said parcel being subject to any and all easements and rights-of-way, containing 35.60 acres, more or less, all in Limestone Township, Kankakee County, Illinois.



which contains approximately 35.60 acres of vacant land. Conveyance shall be by a recordable, special warranty deed and be subject only to the following: (a) rights of the public, the State of Illinois, and the municipality in and to that part of the land, if any, taken or used for road purposes; (b) rights-of-way for drainage ditches, feeders, laterals, if any; (c) pipeline easement in favor of Shell Oil Company recorded November 6, 1941, in Book 487, Page 609 which was re-reserved in the deed recorded March 21, 1942, in Book 489, Page 594, and which was assigned to Shell Pipeline Corporation by the assignment recorded February 18, 1998, as Document No. 98-3294; (d) grant of easement in favor of Commonwealth Edison Company recorded June 25, 1975, as Document No. 75-4867 and all other public utility easements apparent or of record; and (e) general real estate taxes and any drainage or other special assessments for 2004 and subsequent years. In addition, Vulcan shall provide to the Township a plat of survey of this real estate and a title insurance commitment in the amount of \$10,000.00 showing title to the real estate in Vulcan subject only to the title exceptions to which the conveyance is to be subject and any liens or encumbrances of a definite and ascertainable amount which may be removed by the payment of money at the time of closing and which shall be so removed by Vulcan at or prior to the closing. Vulcan shall retain the landlord's share of all 2004 crops or cash rent and all 2004 farm governmental program payments for this real estate. The Township shall be entitled to the landlord's share of all 2005 crops or cash rent and 2005 farm governmental program payments for this real estate. Vulcan shall pay or cause to be paid all 2004 general real estate taxes and 2004 drainage or other special assessments for this real estate on or before the due dates and shall provide to the Township evidence of such payment. The Township shall pay all general real estate taxes and any drainage or other special assessments for this real estate for 2005 and subsequent years. The closing of the acquisition of title by the Township from Vulcan of the real estate shall be held within thirty (30) days after the date on which the road vacation becomes final and the expiration of all applicable appeals.

**4. SUPPLY OF AGGREGATE INDUCEMENT:** Upon the final vacation of Township 700 S Road in accordance with the Plat of Vacation attached to this agreement as Exhibit A and upon the expiration of all applicable appeal periods, Vulcan shall supply to the Township during each calendar year beginning in 2005 with up to 300 tons of Illinois Department of Transportation-approved construction aggregate CA-6/10 at no cost to the Township. This construction aggregate shall be supplied by Vulcan to the Township FOB at Vulcan's quarry on Lehigh Road at such times and in such quantities as are reasonably requested by the Township. This obligation to supply construction aggregate to the Township shall continue for so long as Vulcan or its affiliates continue to operate a dolomitic limestone quarry in Limestone Township. The

Dated: November 16, 2004

VULCAN CONSTRUCTION MATERIALS,  
L.P., a New Jersey limited  
partnership

By VULCAN MATERIALS COMPANY,  
a New Jersey corporation,  
General Partner

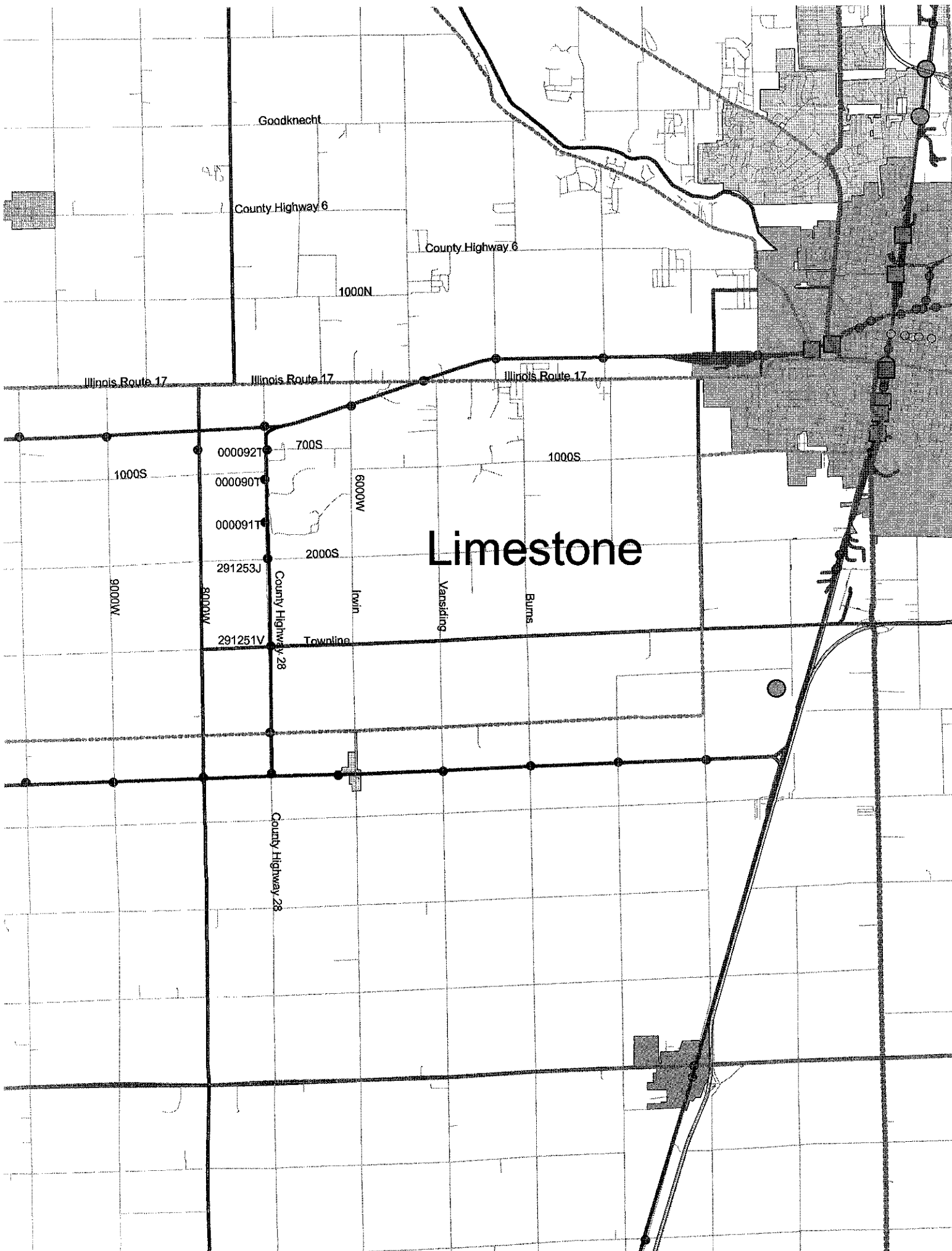
By Robert R. Vogel  
Robert Vogel, Midwest  
Division President

LIMESTONE TOWNSHIP ROAD DISTRICT

By Glenn Kramer  
Glenn Kramer, Township  
Highway Commissioner

Attest:

Edwin W. Meents  
Edwin W. Meents,  
Township Supervisor



Limestone

